

REMARKS

Claim Status

Claims 1-13, 17-27 and 29-42 remain pending in the present application. Claims 14-16 are canceled without prejudice and without conceding the merits of their respective rejections.

Claim 17 is amended in independent form and generally includes the features of its former (now canceled) base claim 14. The Examiner has already considered this combination so no new search should be needed. See, e.g., the final Office Action, page 6, lines 9-12.

Claim 21 is amended in an editorial manner to change the word “the” to --a--.

Similarly, claim 26 is amended in an editorial manner, changing the word “the” to --an--.

Art-Based Rejections

Claims 1-13, 17-25 and 39-42 stand rejected over U.S. Patent No. 6,801,999 (hereafter referred to as “the Venkatesan patent”). Claims 26, 27 and 29-37 stand rejected over U.S. Patent No. 5,822,432 (hereafter referred to as “the Moskowitz patent”).

We expressly traverse these rejections.

Claim 39

We respectfully traverse the suggestion that claim 39 merely recites similar limitations as found in claims 1 and 14, but in more detail. See the final Office Action at page 14, lines 4-6. Claim 39 recites a distinctive combination relative to claims 1 and 14.

Claim 39 recites, in combination with other features, *identifying a pointer associated with identifying data, the pointer comprising information to access a website.*

The Venkatesan patent is cited at Col 5, lines 26-27, Col. 27, lines 55-58 and Col. 29, lines 52-56 as teaching such a feature. See the final Office Action at page 8, lines 15-17.

But the first two of these passages discuss watermarks defining a starting location **in** a protected object (e.g., in terms of time, space or frequency). See Col. 5, lines 26-27 and Col. 27, lines 58-62.

And the cited Col. 29, lines 52-56 discusses exposing a client PC-fingerprint association only after evidence of suitable level of piratical or fraudulent action is shown to a third party.

These passages do not teach identifying a pointer associated with identifying data, where the pointer includes *information to access a website*.

(The many other deficiencies of the Venkatesan patent need not be belabored at this time.)

Favorable consideration is respectfully requested.

Claim 1

There are many differences between the combination recited in claim 1 and the Venkatesan patent.

Claim 1 is concerned with regulating access to websites. But not just any website. Access is regulated to websites that are associated with certain marked physical objects.

The Venkatesan patent is concerned with controlling use of software objects (see, e.g., the Venkatesan patent at its abstract, lines 1-4).

Recall that claim 1 identifies a pointer associated with identifying data, provides the pointer and response information to a user terminal, to allow the user terminal to communicate with a website via the pointer.

Like claim 39, discussed above, the pointer is associated with a website.

But the final Office Action again focuses on watermarks used to identify or point to locations within content and not to a website. See, e.g., page 3 of the final Office Action, citing the Venkatesan patent at Col. 5, lines 26-27.

The Office Action also cites the Venkatesan patent at Col. 22, lines 6-20 as teaching communicating with a website via the pointer. See page 3, lines 16-17 of the final Office Action.

We disagree.

While there is discussion of an internet session at Col. 22, the communication is not carried out via the watermarks discussed at col. 5, lines 26-27. Thus, there seems to be a gap in the reasoning for the rejection of claim 1. That is, if the watermarks at Col. 5

are the pointer, then these watermarks must help facilitate communication with the website discussed at Col. 22.

But they don't.

(We also respectfully invite the Examiner to review our previous arguments for some of the other deficiencies of the Venkatesan patent. We need not belabor others at this time.).

Favorable reconsideration is requested.

Claim 17

We are not sure how the final Office Action maps elements from the Venkatesan patent to the features of claim 17, since the discussion pertaining to this claim is merely a recitation of our claimed features. See the final Office Action, page 6, lines 9-12.

Some of our guesses – as to the intent of the rejection – are provided below.

The final Office Action cites Col. 14, lines 10-15 (see page 6, line 9 of the final Office Action) *perhaps* as teaching a verification key including a first random number. But we read this passage to discuss a fingerprint that is unique to a copy in which it is embedded in. While the fingerprint may be unique, it does not suggest that it is random.

(Below this cited passage, e.g., at lines 16-17, there is discussion of encrypting the fingerprinted, watermarked copy with a symmetric key, i.e., where the same key is used for both encryption and decryption. Recall, however, the claim 17 recites that a data structure is queried to determine whether a verification key is authorized. There is no such discussion here at lines 10-17.)

The final Office Action also cites Col. 27, lines 10-13, *perhaps* for teaching the data record including a second random number and a first identifier. See page 6, line 9 of the final Office Action. But we are left to guess.

Recall that – as recited in claim 1 – the data structure is queried to determine whether a verification key is authentic.

While the cited Col. 27 passage discusses watermark keys generated with a pseudo-random number generator, there is no discussion of storing keys in a data structure for verification in the manner contemplated by claim 27.

At a minimum, clarification is respectfully requested if this rejection is maintained.

Nevertheless, we respectfully request favorable reconsideration.

Claim 19

The final Office Action cites the Venkatesan patent at Col. 23, lines 10-25, Col. 25, lines 18-22 and Col. 27, lines 10-14 as teaching the combination recited in claim 19.

But we are not sure how the final Office Action maps elements from the Venkatesan patent to the features of claim 19, since the discussion pertaining to this claim is merely a recitation of the claimed features. See the final Office Action, page 6, lines 16-22.

Nevertheless, we note several deficiencies in the cited passages:

- Claim 19 recites that first and second random numbers are equal, in combination with other features. The cited Col. 27 passage discusses watermark keys generated with a pseudo-random number generator, which seems to imply different – not equal – keys.
- Claim 19 recites a determination of whether the first identifier matches the second identifier, in combination with other features. We do not see this discussion in any of the cited passages.

Claim 19 stands ready for allowance. Favorable reconsideration is requested.

Claim 21

The final Office Action cites the Venkatesan patent at Col. 23, lines 10-25, Col. 25, lines 18-22 and Col. 27, lines 10-14 as teaching the combination recited in claim 21.

But we are not sure how the final Office Action maps elements from the Venkatesan patent to the features of claim 21, since the discussion pertaining to this claim is merely a recitation of the claimed features. See the final Office Action, page 7, lines 2-7.

Nevertheless, we note several deficiencies in the cited passages:

- Claim 21 recites indexing the data record via a second identifier, the first identifier and second identifier being equal, in combination with other features. We do not see any discussion in the cited passages of indexing a data record in such a manner, where first and second identifiers are equal.
- Claim 21 recites determining whether the first random number matches the second random number, in combination with other features. The cited Col. 27 passage discusses watermark keys generated with a pseudo-random number generator, which seems to imply different – not equal – random numbers.
- Claim 21 further recites signaling to a system whether the first random number matches the second random number and whether the verification information is received within a predetermined time, in combination with other features. There doesn't seem to be any discussion in the cited passages of a signaling act based on the foregoing.

Claim 21 stands ready for allowance. Favorable reconsideration is requested.

Claim 22

Claim 22 recites, in combination with other features, a user terminal communicating an extracted watermark identifier to a central server, and the central server identifies a corresponding URL with the extracted watermark identifier.

The final Office Action cites the Venkatesan patent at Col. 15, lines 47-58 and Col. 23 lines 46-51 as teaching these features. See the final Office Action at page 7, lines 16-17. (This feature is not discussed in the claim 22 remarks on page 14.)

We respectfully disagree.

In the Col. 15 passage, if a watermark is found at a certain location in an object, then an “enforcer” notifies a client’s O/S. The O/S accesses a database and provides the object’s file name (not the watermark) to determine whether a signed license exists in that database.

We fail to see how this teaches or suggests a central server identifying a corresponding URL with an extracted watermark identifier, in combination with other features of claim 22.

The Col. 23 passage does not remedy this deficiency. For example, while this passage discusses an encrypted file including a fingerprinted, watermarked object originating at a publisher's web server, we don't see any mention of identifying the web server with an extracted watermarked identifier, in combination with other features of claim 22.

We respectfully submit that claim 22 should be allowed.

Claim 26

The Moskowitz patent fails to teach or suggest the combination recited in claim 26.

For example, claim 26 recites "*identifying a pointer associated with the object identifier, wherein the pointer comprises at least one of a URL, IP address and web address.*"

The cited passages fail to teach or suggest this feature.

The Col. 6, line 24-25 passage discusses an alphanumeric string which names a code resource (a chunk of computer code referred to at lines 22-23), and not a *pointer comprises at least one of a URL, IP address and web address*

The Col. 9, lines 29-32 recites that the watermark itself includes information pertaining to electronic distribution restrictions or information on where to locate other copies of the content. In contrast, claim 26 recites that an object identifier (e.g., obtained from steganographic embedding) is used to find or identify such a pointer.

The pointer and other information are then provided to the user terminal.

Additional deficiencies of the art need not be belabored at this time.

We respectfully submit that claim 26 should be allowed.

Remaining claims

The remaining dependent claims are also believed to be patentable in their own right.

For example, claim 32 further recites verifying data, where the verifying data comprises indexing the stored response information via a second random number, and determining whether the stored response information matches a valid identifier. The cited passages in the final Office Action are not understood to teach or suggest such a combination.

Claim 33 recites that when the stored response information matches the valid identifier, said method further comprises authorizing user terminal access. The cited passages are not understood to teach or suggest such a combination.

Claim 34 recites that when the stored response information does not match a valid identifier, said method further comprises signaling a lack of authority for the user terminal. The cited passages are not understood to teach or suggest such a combination.

And claim 35 recites that the verifying data comprises indexing the stored response information via a valid identifier and determining whether the stored random number matches a second random number. The cited passages are not understood to teach or suggest such a combination.

Favorable reconsideration is requested.

Conclusion

The application is believed to be in condition for allowance. An early notice of allowance is respectfully requested. (Applicants need not belabor the other shortcomings of the art at this time.).

Nevertheless, the Examiner is invited to telephone the undersigned at 503-469-4685 if any issue remains.

Date: April 12, 2006

Customer No. 23735

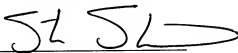
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Respectfully submitted,

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